

10/576712

MAIL STOP PCT

Attorney Docket: 27319U

Date: April 21, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

HESSLINGER, et al.

Art Unit: Unknown

Examiner: Unknown

Appl. No.: Not Yet Assigned

Filed: April 21, 2006

International Application: PCT/EP2004/052725

International Filing Date: October 29, 2004

For: USE OF BH4 FOR THE TREATMENT OF RESPIRATORY DISEASES

TRANSMITTAL LETTER

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- 1) Application Data Sheet;
- 2) Transmittal Letter to U.S. Designated/Elected Office (DO/EO/US) Concerning Filing Under 35 U.S.C. 371;
- 3) International Publication Number: WO 2005/041975 A1, with PCT/ISA/210 (International Search Report); International Publication Date: May 12, 2005, which consists of 22 Pages:
 - 1 page for the Cover Sheet, with Abstract,
 - 15 pages of Textual Specification,
 - 2 pages of 23 Claims,
 - 4 sheets of Drawings;
- 4) Preliminary Amendment with Appendices A, B, and C, to be Examined;
- 5) Unexecuted Declaration and Power Of Attorney;
- 6) PCT/ISA/237 (Written Opinion of the International Searching Authority);
- 7) PCT/IB/304 (Notification Concerning Submission or Transmittal of Priority Document);
- 8) PCT/IB/308 (First Notice Informing the Applicant of the Communication of the International Application);
- 9) PCT/RO/101 (Request);
- 10) Check No.: 2016 in the Amount of \$ 2,300.00 for Basic Filing Fee, which includes the Search and Examination Fees (\$900), and for 7 Extra Independent Claims over 3 (\$1,400), as a Large Entity;
- 11) Postcard for Early Notification of the Serial Number Request.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,
NATH & ASSOCIATES PLLC



Cary M. Nath Reg. No. 26,965
Sheldon M. McGee, Reg. No. 50,454
 Customer No. 34375

433 Rec'd PCT/PTO 21 APR 2006

Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. 371		Attorney Docket: 27319U U.S. Application No. 10/876712 Not Yet Assigned
International Application No.: PCT/EP2004/052725	International Filing Date: October 29, 2004	Priority Date Claimed: October 31, 2003
Title of Invention: USE OF BH4 FOR THE TREATMENT OF RESPIRATORY DISEASES		
Applicants for DO/EO/US: HESSLINGER, Christian; ULRICH, Wolf-Ruediger; SCHUDT, Christian Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 USC 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)):</p> <ul style="list-style-type: none">a. <input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).b. <input type="checkbox"/> has been communicated by the International Bureau.c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) <p>6. <input checked="" type="checkbox"/> A English translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <ul style="list-style-type: none">a. <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau).b. <input type="checkbox"/> have been communicated by the International Bureau.c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.d. <input checked="" type="checkbox"/> have not been made and will not be made. <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
ITEMS 11 to 20 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input checked="" type="checkbox"/> A FIRST preliminary amendment.		
14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment		
15. <input type="checkbox"/> A substitute specification.		
16. <input type="checkbox"/> A change of power of attorney and/or address letter.		
17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825		
18. <input type="checkbox"/> A second copy of the published international application under 35 USC 154(d)(4)		
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 USC 154(d)(4)		

U.S. Application No: Not Yet Assigned 10/576712	International Application: PCT/EP2004/052725	Attorney Docket: 27319U		
20. X Other items or information: TRANSMITTAL LETTER; APPLICATION DATA SHEET; INTERNATIONAL PUBLICATION NUMBER: WO 2005/041975 A1, WITH PCT/ISA/210 (INTERNATIONAL SEARCH REPORT); INTERNATIONAL PUBLICATION DATE: MAY 12, 2005, WHICH CONSISTS OF 22 PAGES: 1 PAGE FOR THE COVER SHEET, WITH ABSTRACT, 15 PAGES OF TEXTUAL SPECIFICATION, 2 PAGES OF 23 CLAIMS, 4 SHEETS OF DRAWINGS; PRELIMINARY AMENDMENT WITH APPENDICES A, B, AND C, TO BE EXAMINED; UNEXECUTED DECLARATION AND POWER OF ATTORNEY; PCT/ISA/237 (WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY); PCT/IB/304 (NOTIFICATION CONCERNING SUBMISSION OR TRANSMITTAL OF PRIORITY DOCUMENT); PCT/IB/308 (FIRST NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION); PCT/RO/101 (REQUEST); POSTCARD FOR EARLY NOTIFICATION OF THE SERIAL NUMBER REQUEST.				
The following fees are submitted:		<u>CALCULATION</u>		
21. X Basic National Fee (37 CFR 1.492(a))..... \$ 300.00		\$ 300.00		
22. X Examination Fee (37 CFR 1.492 (c)) If the written opinion prepared by ISA/US or the International Preliminary Examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$ 0.00 All other situations \$ 200.00		\$ 200.00		
23. X Search Fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International Preliminary Examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$ 0.00 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$ 100.00 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$ 400.00 All other situations \$ 500.00		\$ 400.00		
Total of 21, 22 and 23		\$ 900.00		
— Additional fee for specification and drawings filed in paper over 100 sheets (excluding Sequence listing or computer program listing filed in an electronic medium). The fee is \$ 250.00 for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	# of each additional 50	RATE	
31-100 =	0/50 =	0	X \$250	\$ 0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than <u>20</u> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).			\$ 0.00	
CLAIMS	# FILED	# EXTRA	RATE	
TOTAL	17-20=	0	X \$50	\$ 0.00
INDEPENDENT	10-3=	7	X \$200	\$ 1,400.00
Multiple dependent claims (if applicable)			+ \$360	\$ 0.00
TOTAL OF ABOVE CALCULATIONS =				\$ 2,300.00
— Applicant claims small entity status. — Fees above are reduced by $\frac{1}{2}$.			SUBTOTAL =	\$ 2,300.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).			\$ 0.00	
TOTAL NATIONAL FEE =				\$ 2,300.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +			\$ 0.00	
TOTAL FEES ENCLOSED =				\$ 2,300.00
				Amount to be: refunded \$
				Amount to be: charged \$

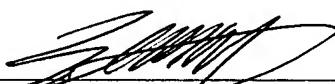
U.S. Application No. Not Yet Assigned 10/576712	International Application: PCT/EP2004/052725	Attorney Docket: 27319U
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- a. A check in the amount of \$ 2,300.00 to cover the above fees is enclosed.
- b. Please charge my Deposit Account Number: 14-0112 in the amount of \$ _____ to cover the above fees. (A duplicate copy of this sheet is enclosed.)
- c. The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account Number: 14-0112.
- d. Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit Card Information should not be included on this form. Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

Gary M. Nath
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 112 South West Street,
 Alexandria, VA 22314
 Tel: 1-703-548-6284
 Fax: 1-703-683-8396


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